

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 639 - SB 1220

March 18, 2019

**SUMMARY OF ORIGINAL BILL:** Authorizes a county legislative body to send the required annual report of the evaluation of the use of judicial commissioners to the Senate Judiciary Committee Chair and the Criminal Justice Committee of the House of Representatives Chair in electronic format.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (004323):** Deletes all language after the enacting clause. Enacts the Jonathan Booker Act that disqualifies a defendant convicted of an offense involving the use of a deadly weapon from eligibility for probation.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:**

**Increase State Expenditures – \$83,400 Incarceration\***

Assumptions for the bill as amended:

- Pursuant to Tenn. Code Ann. § 39-11-106(a)(5), a deadly weapon is a firearm or anything manifestly designed, made or adapted for the purpose of inflicting death or serious bodily injury; or anything that in the manner of its use or intended use is capable of causing death or serious bodily injury.
- Pursuant to Tenn. Code Ann. § 40-35-313(a)(1)(B)(i)(c), persons convicted of a Class A or Class B felony are ineligible for probation.
- Based on information provided by the Department of Correction, there has been an average of 249.1 admissions each year over the past 10 years for Class A or B felony offenses involving a deadly weapon, of which 50 percent were Class E reckless endangerment with a deadly weapon involved felony admissions.
- This analysis assumes one percent, or 2 (249.1 x 1%), offenders will not receive judicial diversion and be admitted each year.
- Population growth and recidivism will not impact these admissions.
- The average time served for endangerment with a deadly weapon involved is 1.56 years.

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- According to the DOC, the average operating cost per offender per day for calendar year 2019 is \$73.18.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on two offenders admitted every year serving an additional 1.56 years (569.79 days) for an annualized increase in state incarceration expenditures of \$83,394 ( $\$73.18 \times 569.79 \times 2$ ).

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/amj